

REMARKS

Applicants respectfully request the Examiner to enter this Amendment, to reconsider this application in view of the above amendments and to issue an allowance.

Claims presented.

Claims 11-13, 15, 20-23, and 28-30 are currently pending. Claims 16 and 24 are now canceled. Amended claims 11, 20, 28, 29, and 30 are consistent with previously examined claim 6, as well as for example, page 10, lines 5-21, page 12, lines 14-20.

Applicants respectfully submit the amendments avoid new matter, avoid new issues, and reduce issues for appeal. Accordingly, entry of this Amendment for at least purposes of appeal is courteously solicited.

Traversing the rejections

A. Claims 11-13, 15-16, 20-24 and 27-30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Admitted Prior Art on pages 1 and 2 of the specification (Japanese Unexamined Utility Model Publications SHO Nos. 55-134822 and 56-60730) in view of Tomaiuolo (U.S. Patent No. 5,782,786) and Haines (U.S. Patent No. 3,835,995) or Katzner et al. (U.S. Patent No. 6,155,423) and Cronk et al. (U.S. Patent No. 6,769,428).

Applicants respectfully traverse this rejection for at least the following reasons. It should be understood that this traversal does not concede any alleged admissions or the like.

The present claims are directed to a roll type transdermal patch comprising a tape type support comprising a knitted fabric, woven fabric or non-woven fabric composed of stretchable polyethylene terephthalate resin or polybutylene terephthalate resin and the support having a thickness of 0.01 to 5 mm, a continuous adhesive layer, and a covering layer of 25-120 μm which is laminated in a releasable manner on the adhesive layer, and a plurality of tear off cutting lines consisting of perforation slits, with a slit width of 1.0-2.0

mm and a slit spacing of 1.0–1.5 mm, and the breaking strength when the external patch is torn off at the slits is 7.36–15.24 kgf/48 mm width.

Page 14, lines 21 to page 15, lines 1–22 of the present specification teaches that when the slit width is relatively large compared to the seam width, several problems are likely to occur: (1) all or portions of uncut slits of the external patch are more likely to tear unexpectedly when the covering material is peeled off or when the used patch is torn off after use; (2) all or portions of the uncut slits are likely to tear due to movement of the attachment site or the slit sections may rise from the attachment site without tearing; and (3) when the slit width is larger than the seam width, contaminants are more likely to adhere to the slit holes.

If the thickness of the covering material is less than 25 μm , it is difficult to peel the covering material from the patch. If the thickness of the covering material is greater than 120 μm , the flexibility is reduced and it is difficult to wrap around the core. If the thickness of the support is less than 0.01 mm, the support is difficult to handle and there is a tendency to wrinkle. If the thickness of the support exceeds 5 mm, the flexibility of the support is reduced and the patch is uncomfortable to the user when attached to the user's skin.

None of the references alone or in combination teach the thicknesses of the support layer and a releasable covering material as well as the slit width, slit spacing, and breaking strength as now claimed. (1) Neither Japanese SHO No. 55-134822 nor Japanese SHO No. 56-60730 appear to disclose or suggest a thickness for a support layer. (2) Neither Japanese SHO No. 55-134822 nor Japanese SHO No. 56-60730 appears to disclose a covering layer; thus, these two references cannot suggest a thickness for a covering layer for a roll type patch. (3) Neither Japanese SHO No. 55-134822 nor Japanese SHO No. 56-60730 appears to disclose perforations in the support and covering layers as claimed. (4) The JP references do not disclose tear off cutting lines consisting of perforation slits, with a slit width of 1.0–2.0 mm and a slit spacing of 1.0–1.5 mm, and the

breaking strength when the external patch is torn off at the slits is 7.36–15.24 kgf/48 mm width.

Tomaiuolo does not overcome the deficiencies of the primary references, even if, *arguendo* it was combined with one or both of the JP references. (1) Tomaiuolo teaches a continuous elongated bandage strip wound around a spool. (2) However, Tomaiuolo does not teach a bandage strip with a covering material, let alone a covering layer laminated in a releasable manner. (3), Therefore, Tomaiuolo cannot and does not teach tear off cutting lines formed in both the support and covering layers with the tear off cutting lines consisting of perforation slits, with a slit width of 1.0–2.0 mm and a slit spacing of 1.0–1.5 mm, and the breaking strength when the external patch is torn off at the slits is 7.36–15.24 kgf/48 mm width.

Cronk teaches nasal strips with aromatic substance disposed on the nasal strip. (1) Cronk does not teach a thickness for a releasable covering layer. (2) Cronk also does not teach tear off cutting lines formed in both the support and covering layers, with the tear off cutting lines consisting of perforation slits, with a slit width of 1.0–2.0 mm and a slit spacing of 1.0–1.5 mm, and the breaking strength when the external patch is torn off at the slits is 7.36–15.24 kgf/48 mm width.

Neither Haines nor Katzner overcome the deficiencies of the previous references. Haines and Katzner do not teach slit spacing, slit width, and breaking strength as now claimed.

Applicants therefore courteously solicit favorable reconsideration and withdrawal of this rejection.

B. Claims 17–18 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied above with respect to claims 11 and 20, and further in view of Piraneo et al. (U.S. Patent No. 5,924,573), Kennedy (U.S. Patent No. 5,655,659) and Augst et al. (U.S. Patent No. 5,496,605).

Applicants respectfully traverse this rejection for at least the following reasons, in addition to those set forth hereinabove as to claims 11 and 20.

Applicants respectfully submit the additional three references would not have been combined with the six references applied in combination as to claims 11 and 20, and furthermore Applicants respectfully submit that even if combined, the combined armada of prior art would not have suggested the claimed inventions to a person of only ordinary skill in the art.

Augst teaches a roll of liner-less, perforated, binder-containing, nonwoven surgical tape. Augst does not teach or suggest a releasable covering layer let alone the thickness of a covering layer as claimed.

Kennedy teaches a roll of light-sensitive web material such as photographic paper or film with a flexible opaque leader wound around the roll. Kennedy does not teach a tape type support of knitted fabric, woven fabric, or non-woven fabric composed of stretchable polyethylene terephthalate resin or polybutylene terephthalate resin and a releasable covering layer. Kennedy does not even seem to be from the relevant art.

Moreover, although Kennedy teaches perforations, the perforations are not in the rolled of paper or film but, instead, are located in the end disks attached to the ends of a core of the roll. Kennedy teaches that each end disk includes a plurality of perforations that project radially inward. End disks 32, 34 cover end surfaces 16, 18 as shown in Figure 1. Because the perforations are in the end disks and not a roll type patch, one of ordinary skill in the art would have no motivation to use the perforation spacing of end disks as disclosed by Kennedy and apply the perforation spacing to a roll type patch for enabling the patch to be easily cut to match a desired size while also preventing undersized cutting of the tearing lines during or after attachment.

Piraneo teaches a bag dispensing system including merchandise bag panels and gussets, which is not relevant art to the subject claimed inventions. Piraneo teaches that the seam width should be less than 1/16 inch (1.58 mm) and the slit length should range between 1 inch (25.4 mm) to 2.5 inches (63.5 mm). Moreover, the slit length and seam width solves a problem completely different from that of the present invention. Piraneo teaches that the slit length and spacing between the slits enables the bags to be torn from the bag dispenser without also removing the next adjacent bags from the dispenser. (See Col. 10, lines 23-29.) Piraneo teaches away from using the slit length and seam width of the present invention because Piraneo teaches that the slit width should be far greater than the seam width (distance between slits).

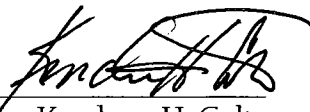
Therefore, even if the additional non-relevant references are considered together or seriatim, they simply would not have suggested the elements and limitations in the claims that are missing from the six references applied as to claims 11 and 20.

Applicants therefore courteously solicit favorable reconsideration and with withdrawal of this rejection.

Applicants have sought to address all matters in an effort to place their application in condition for an allowance. Applicants request consideration and a Notice of Allowance.

Respectfully submitted,

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